



CITY OF MOUNTAIN VIEW

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December 10, 2008

Mr. Ross Johnson, Chairman
Fair Political Practices Commission
428 J Street
Sacramento, CA 95814

Re: December 11, 2008 Agenda; Agenda Item 18
Tickets to an Agency Regulation 18944.1

Dear Chair Johnson:

This is a follow-up to our November 25, 2008 correspondence on behalf of the League of California Cities, City Attorneys Division, FPPC Committee and constituent California Cities affected by the proposed regulation. In addition, you have before you a new staff report and a further revised regulation from your staff which attempts to follow the Commission's September 11, 2008 direction. As a continued item of business, our edits and those of your staff had to be drafted within the constraints of the previously noticed regulation.

As we have come to expect, staff has done an admirable job of trying to work within the very difficult constraints and parameters which were established by that prior draft regulation. We now believe that everyone should drop back and try to craft a regulation that we can use for the next ten or twenty years and which is not so constrained in its development and analysis.

Our recent experience with readopted Regulation 18946.4 (Reporting a Valuation of Gifts: Tickets to Non-profit and Political Fund Raisers) should teach us that we should avoid elevating expedience over careful thought and analysis. If the regulations which we all work on developing and which you ultimately adopt are to be effective and understandable, they must be afforded the benefit of every possible point of view and the assistance of everything in our analytical tool box. As a result of the limitations necessarily imposed by the prior draft regulation, both the proposed regulation and the version we submitted have not been so developed.

In some respects, this "ticket regulation" is more significant than 18944.6. We hope the Commission will agree with us that more work needs to be done and, taking advantage of what we have learned through the process, allow staff to continue to work with us on a regulation that: (1) furthers the goals of the Act; (2) is understandable and unambiguous;

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and (3) clearly identifies the universe of tickets which are subject to and exempt from the regulation.

Through this additional effort, we hope to avoid a repeat of the experience with 18946.2, where we set out to address the ill effects of the \$400 golf outing only to sanction same. This regulation, likewise, may fall prey to the same abuses unless we continue to work together carefully and with deliberation to craft language that will guard against such a result.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael D. Martello". The signature is stylized with a large, sweeping "M" and a long, horizontal flourish at the end.

Michael D. Martello
City Attorney

cc: FPPC Committee; C. Tally, J. White, M.B. Bagneris